

We Understand Community Associations.

Lazega & Johanson LLC

is a law firm dedicated to representing community associations. We believe in building and maintaining long-lasting relationships with community associations and their managers by providing personal attention and superior services. We take pride in being a part of the team of experts you rely on to ensure the successful operation of your community.

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Electronic Voting for Board Elections THE FUTURE IS HERE!

Last year we wrote about the benefits of conducting board of director's elections electronically or by mail-in ballot, rather than at annual meetings. As expected, we lit a fuse that has led to an explosion of interest in this creative alternative to achieving the often elusive board election – too often the election does not take place due to quorum issues at the actual annual meeting.

This article will quickly recap the benefits and then provide guidance as to how to bring electronic voting to your community.

The Problem

One of the most frequent challenges cited by board members is encouraging enough owner participation to obtain a quorum for the annual meeting so as to have an annual election. Boards have tried proxies, prizes and, in at least one case we heard about, fibbing about a vote on a large special assessment to get members to attend! -- and when there is no quorum and the board's terms continue forward, some owners

can be quick to criticize a lack of turnover in the board.

The Solution

Many boards have begun to conduct annual elections separate from the annual meeting, either by electronic voting and/or in combination with a mail-in ballot. The Georgia Nonprofit Corporation Code allows most associations to conduct any membership vote or annual election separate from your annual meeting, either by electronic voting or mail-in ballot.

Why Electronic Voting is Quickly Spreading

Holding the annual election by electronic voting or mail-in ballot can offer several desirable advantages for an association:

√ More Owner Participation

In today's world, the fewer steps, the

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We are committed to your success.

Our attorneys and staff have decades of experience and are proven leaders in their fields. Our attorneys are uniquely qualified and have been recognized on both a national and local level for their knowledge and commitment to their respective fields. We value the relationships we have with our clients. We are proud to be a part of the team of experts they rely on, and we work hard to maintain those relationships everyday.

greater the participation – we have become a “one click” world. Click, vote, move on to the next issue. Owners have many life issues drawing attention. If we want to get them to focus on an election, we need to make it easy – we need to deliver it to them.

√ **Securing the Voting Process**

Owners want confidence in the process. One issue that many associations face, particularly during contested elections, is verifying whether or not the proxies are legitimate. Holding an election outside of a meeting allows an association to put measures into place to assure the vote received is actually the vote of the homeowner, such as individually coded ballots or password protected logins to a voting website.

√ **Productive Annual Meetings**

How about an annual meeting that focuses on accomplishments and important future projects! Electronic or ballot elections allow the board to spend more time at the annual meeting on community reports, time to discuss the budget, and more time for owner input. Taking the election out of the process streamlines the annual meeting and, in many cases, removes uncertainty and conflict that comes with elections. The board also is able to ensure that candidates step forward for the election long before the night of

the annual meeting. Plus, being able to simply announce election results at the annual meeting without what often can be a time consuming voting and vote counting process, shortens the length of the meeting. Again, the less time commitment required by owners, the more likely owners are to participate.

√ **Multiple Alternatives for Voting**

Taking a vote electronically can mean any number of things. The term “electronic voting” encompasses receiving ballots by email or fax, or through a website set up for voting. While the ballot itself will require certain specific legal disclosures, the vote collection process can be accomplished with one of many online resources -- but boards also can manage the vote collection process without a third-party voting site. But, with the importance of complying with the Georgia Nonprofit Corporation Code and ensuring that there are appropriate security measures in place to protect the integrity of the voting process, we recommend that you do not conduct this process without the association’s legal counsel involved.



INNOVATORS.

The firm prides itself on taking chances and being the first to try something new that changes industry practices and opportunities. Our goal is to meet the goals of our clients and do whatever it takes to make sure that those goals are not compromised or neglected due to financial or other restraints. We consistently make efforts to think outside the box to find ways to assist our clients in meeting their goals.

√ **Sound good? It is! But how does it work?**

The process is not complicated, but it does take some time to prepare. For any association whose annual meeting comes during the next few months, now is the time to start planning! One key is to first prepare a timeline of events so as to allow enough time for actions such as: (1) nominating candidates, (2) announcing the candidates, (3) issuing ballots, consent forms or voting instructions, (4) determining the voting process; (5) conducting the vote; and (6) counting and certifying the votes. The entire process can take up to three months, so it is important to schedule and prepare the needed documentation well in advance so that the needed legal procedures are followed.

For many associations, conducting elections outside of the annual meeting has been a hugely positive benefit, simplifying elections, encouraging greater homeowner participation, and refocusing the annual meeting on the business of the association and its accomplishments. Electronic elections and voting outside of the meeting is here to stay. If you would like more information, a determination if your documents contain the needed authority to use electronic voting, or assistance creating the legal documents to set up your elections, please contact us.



Contact Us:

To learn more about the services and programs we offer our clients, please feel free to contact us directly at:

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